



# NAVAJO COUNTY PUBLIC WORKS DEPARTMENT

## PLANNING & ZONING

Post Office Box 668 - 100 East Code Talkers Drive

Holbrook, Arizona 86025

(928) 524-4100 FAX (928) 524-4122

[www.navajocountyaz.gov](http://www.navajocountyaz.gov)

## SPECIAL USE PERMIT APPLICATION

(also to be used for an Amendment to an approved/existing Special Use Permit)

### SITE & PROPOSAL INFORMATION:

PROJECT NAME: Foster Family Trust

PROPOSED USE OF PROPERTY: Care Takers Quarters - Permanent

SPECIAL USE CATEGORY: Care Taker Quarters

LOCATION (include nearest town/community): NE of Town of Snowflake. 3 miles  
N on Old Woodruff Rd

GENERAL DIRECTIONS TO PARCEL:  Hwy 77 turn onto Snowflake Blvd (Concho Hwy) left  
(N) onto Old Woodruff 3 miles - R onto El Rancho - L on Jack Rabbit - R on Buckskin

ADDRESS (if known): 8101 Buckskin Trl Snowflake AZ 85937

PROPERTY SIZE: 20 acres; 890,000 - Est square feet

LEGAL DESCRIPTION: Township Section 33 North, Range T14N East, Section(s) R22E

ASSESSOR PARCEL NO.: 303-85-003N

SUBDIVISION NAME: Ranch of the White Mountains #1 LOT #:

PRESENT USE OF PROPERTY: Private Residence

CURRENT ZONING: RV-20

PROPOSED ZONING: RV-20 w/ special use for Permanent Care Taker Quarters

### OWNER & CONTACT INFORMATION:

OWNER'S NAME: Kenneth M. Foster / Chris Foster

OWNER PHONE NO.: 928-243-4211 FAX #: 928-325-0345

OWNER EMAIL ADDRESS: cifcha@gmail.com

OWNER MAILING ADDRESS: 8101 Buckskin Trl

CITY: Snowflake STATE: AZ ZIP CODE: 85937

DATE OF OWNERSHIP: 2009

CONTACT NAME:

COMPANY NAME:

CONTACT PHONE NO.:  FAX #:

CONTACT EMAIL ADDRESS:

CONTACT MAILING ADDRESS:

CITY:  STATE:  ZIP CODE:

OWNER'S AFFIDAVIT:

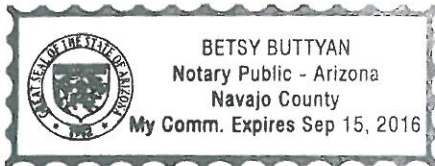
I, (print name) Kenneth M. Foster, TTE, being duly sworn, depose and say that I am the owner of the property involved in this application and that the information herewith submitted is true and correct to the best of my knowledge.

Kenneth M. Foster, TRUSTEE  
Owner's Signature

STATE OF Arizona )  
COUNTY OF Navajo ) SS

Sworn and subscribed before me on this 28th Day of August, 20 15

9/15/16  
Notary Public My Commission Expires BB



Betsy Buttyan  
Notary My Commission Expires BB

For Staff use only:

Accepted by: _____	Date: _____
Submittal Approved: _____	Date: _____
Fee: _____	
Case #: _____	
Planning Commission: _____	Action: _____
Board of Supervisors: _____	Action: _____
Notes / Stipulations: _____	
_____	
_____	

## LETTER OF INTENT

Foster Family Trust  
Kenneth M. Foster  
Christopher Foster  
8101 Buckskin Trl  
Snowflake, AZ 85937  
928-243-4211 – P  
928-325-0345 – F

Reference: Care Taker's Permanent Quarters for Parcel 303-85-003N

August 31, 2015

To Whom It May Concern:

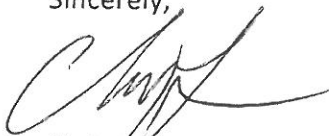
Please find attached our application for a Special Use Permit for the parcel listed above in the name of the Foster Family Trust.

We need to add this Care Taker's Quarters that will only be used for family and neither home will ever be used as a rental.

We plan to add a new septic system for the second residence per county specifications.

Thank you in advance for your consideration and help with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris Foster', written over a horizontal line.

Christopher Foster

Buckskin Trail 20' offset

App 680'

Foster Family Trust  
Parcel # 303-85-0031

8101 Buckskin Trl  
Snowflake, AZ 85901

34.5631577  
-110.0275961

Scale "50"

20 Acre Parcel  
R-20 Zoning

30' offset

Appx 1360'

350'

Existing House Existing Septic

30 x 76

Well

190'

130' Water  
APS Transformer

Driveway

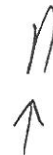
New Septic

14 x 65

New House

(30' offset)

Appx 1360'



\* Gravel Parking Area

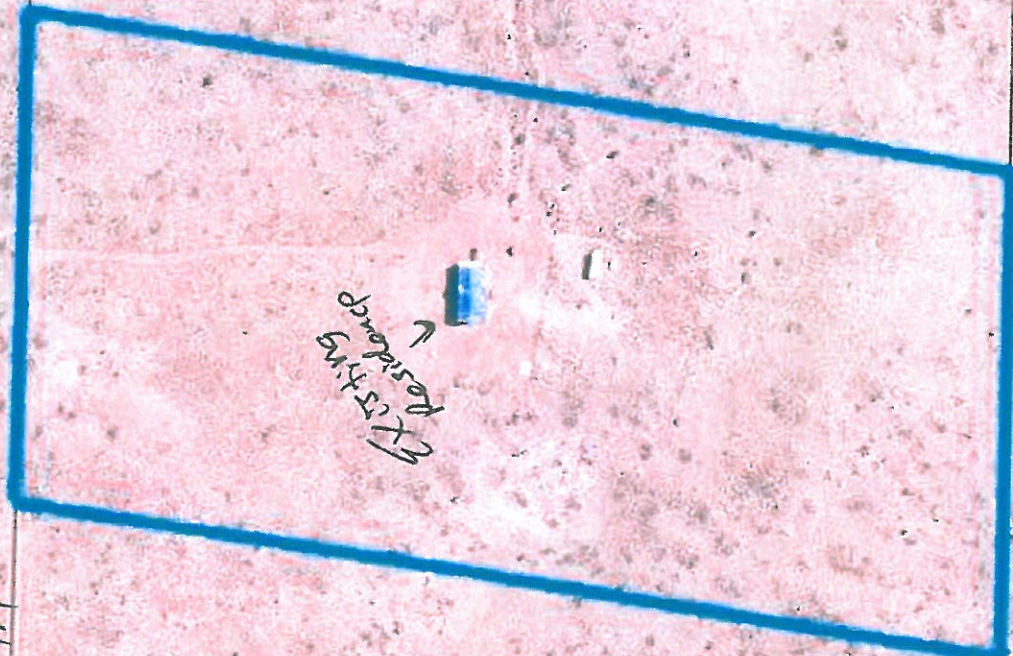
App. 674'

20' offset



✓ ↗

Buckskin Trl



Jack Rabbit



11



Eastwick property



Buckskin Trail

Jack: 846654

Google



NAVAJO COUNTY  
PUBLIC WORKS DEPARTMENT  
PLANNING & ZONING

**STAFF REPORT**

**BOARD OF ADJUSTMENT**

**HEARING DATE:** October 14, 2015

**CASE NO:** 15-31

**ACTION:** Use Permit

**APPLICANT/OWNER:** Foster Family Trust  
Kenneth, Cheryl, Christopher & Vanessa Foster

**PARCEL INFORMATION:**

Address: 8101 Buckskin Trail, Snowflake

APN: **303-85-003N**

Legal Desc: A portion of Section 33, Township 14 North, Range 22 East, of the Gila and Salt River Meridian, in the Snowflake area.

District: III

Parcel Size: 20 Acres

**STATED REASON FOR REQUEST:** The applicants would like to add permanent Caretaker's Quarters to their parcel with an existing home and septic system. The family would use the caretakers quarters for family only, and neither home would ever be used as a rental. The second smaller dwelling would have its own septic system per county specifications. The Foster family has created a Family Trust for this parcel, and the Caretaker's Quarters would allow them to care for the property and elderly family members when the need arises.

**BACKGROUND & DISCUSSION:** The RU-20 District allows for caretakers quarters subject to the approval of a Use Permit through the Board of Adjustment.

As the proposed Use Permit is allowed, subject to meeting the requirements of the Zoning Ordinance and other applicable regulations, staff is not aware of any public or other objections. Staff supports granting the Use Permit.

**NAVAJO COUNTY ORDINANCES, PLANS, & REGULATIONS:**

**ZONING DISTRICTS:**

RU-20: The primary purpose of this Rural-20 zoning is to conserve and protect open land uses, foster orderly growth in rural areas, and prevent urban agricultural land use conflicts. The purpose of requiring large minimum parcels of not less than twenty (20) acres in area is discourage small lot or residential subdivisions where public facilities such as water, sewage disposal, parks and playgrounds, and governmental services such as police and fire protection are not available or could not reasonably be made currently available. Uses permitted in this zoning district include both farm and non-farm residential uses, farms, and recreational and institutional uses.

**ZONING ORDINANCE:**

- Article 28 / Section 2802.3: Board of Adjustment / Powers and Duties

3. *Use Permits. The board may grant use permits as permitted by the regulations applicable to the zoning district in which the property is located. No use permit shall be granted unless the board finds that the use and the manner of conducting it (including any associated buildings or structures) will be consistent with the intent and purposes of the Zoning Ordinance and will not be detrimental to persons residing or working in the vicinity, to adjacent property or the neighborhood in general, or to the public welfare. In granting a use permit, appropriate conditions to preserve the intent and purposes of the Zoning Ordinance may be prescribed (including, without limitation, the acquisition of right-of-way for street widening purposes in accordance with the recommendations of the Public Works Department if it appears that the use would increase traffic congestion). Unless otherwise stated on the permit, a use permit shall be permanent and shall run with the land.*

**GENERAL CHARACTER OF AREA:** This parcel is located in an area of sparsely populated single-family residential homes.



## **REVIEWING AGENCY COMMENTS:**

### **ENGINEERING:**

Engineering Staff has no objection to the proposed Use Permit given that the recommendations made by the Staff are met.

Initial: W.R.B.

### **FLOOD CONTROL:**

The Flood Control staff has reviewed the application for a Use Permit on the subject parcel which is within flood hazard Zone X. A review of the DFIRM map does not show a flood hazard for this area. The Flood Control Staff has no objection to the proposed Use Permit.

Initial: R.P.

### **COUNTY ATTORNEY:**

The County Attorney has no issues as long as the property is not used to generate income or used as a rental unit. The applicant must obey all local, State and Federal laws and regulations.

Initial: BSC

### **IN SUMMARY:**

The Planning staff has reviewed the Use Permit request and determined it is ready for Board action. Staff has received no comments from the public opposed to the Use Permit. Two adjacent property owners were in favor of the Use Permit. Post cards were sent to 8 property owners.

Initial: P.S.

**PUBLIC WORKS DEPARTMENT RECOMMENDATION:** Should the Board grant this request for a Use Permit, staff recommends the following conditions be applied:

1. The use of the guest quarters shall comply with all Navajo County, State, Federal regulations and all applicable provisions of the Navajo County Zoning Ordinance.
2. The applicant shall obtain all required Navajo County permits, including but not limited to, building, septic system, grading, and drainage permits, prior to occupancy of the guest quarters.

3. Prior to occupancy of the guest quarters, the applicant is to provide documentation to Navajo County that the septic system complies with all applicable Navajo County requirements.
4. All drainage and grading issues shall be addressed to the satisfaction of Navajo County Public Works prior to obtaining building permits.
5. While two dwellings exist on the property, neither one of them shall ever be rented.

## **RESOLUTION NO. 15-07B**

### **A RESOLUTION OF THE NAVAJO COUNTY BOARD OF ADJUSTMENT, APPROVING A USE PERMIT**

**WHEREAS**, the Navajo County Board of Adjustment is authorized by Section 2802(3) of the Navajo County Zoning Ordinance to grant Use Permits upon the terms and conditions set forth therein; and

**WHEREAS**, at a duly noticed public hearing held this date the Board of Adjustment determined that the following Use Permit should be approved subject to the conditions set forth herein:

<b>OWNER:</b>	Foster Family Trust Kenneth, Cheryl, Christopher & Vanessa Foster
<b>PARCEL:</b>	303-85-003N
<b>LEGAL DESCRIPTION:</b>	NAVAJO COUNTY ASSESSOR'S PARCEL NO. 303-85-003N IN SECTION 33, TOWNSHIP 14 NORTH, RANGE 22 EAST, G&SRM, NAVAJO COUNTY, IN THE SNOWFLAKE AREA. SEE OWNERS AFFIDAVIT DATED AUGUST 28, 2015.
<b>APPROVED USE:</b>	A PRIMARY DWELLING WITH THE ADDITION OF PERMANENT CARETAKERS QUARTERS.

**NOW, THEREFORE, BE IT RESOLVED** by the Navajo County Board of Adjustment that a Use Permit for the above-described use on the subject parcel is hereby **APPROVED** subject to the following conditions:

1. The use of the caretaker's quarters shall comply with all Navajo County, State, Federal regulations and all applicable provisions of the Navajo County Zoning Ordinance.
2. The applicant shall obtain all required Navajo County permits, including but not limited to, building, septic system, grading, and drainage permits, prior to occupancy of the guest quarters.
3. Prior to occupancy of the guest quarters, the applicant is to provide documentation to Navajo County that the septic system complies with all applicable Navajo County requirements.
4. All drainage and grading issues shall be addressed to the satisfaction of Navajo County Public Works prior to obtaining building permits.
5. While two dwellings exist on the property, neither one of them shall ever be rented, or generate income.



The Secretary shall transmit this Resolution to the Navajo County Recorder's Office for recordation.

**PASSED AND ADOPTED** by the Navajo County Board of Adjustment on \_\_\_\_\_,

with a vote of \_\_\_\_ yeas, \_\_\_\_ nays.

\_\_\_\_\_  
Bill Arendell, Chairman  
Navajo County Board of Adjustment

ATTEST:

\_\_\_\_\_  
Planning & Zoning, Secretary

## **RESOLUTION NO. 15-03B**

### **A RESOLUTION OF THE NAVAJO COUNTY BOARD OF ADJUSTMENT, DENYING A USE PERMIT**

**WHEREAS**, the Navajo County Board of Adjustment is authorized by Section 2802(3) of the Navajo County Zoning Ordinance to grant Use Permits upon the terms and conditions set forth therein; and

**WHEREAS**, at a duly noticed public hearing held this date the Board of Adjustment determined that the following request for Use Permit should be denied:

<b>OWNER:</b>	Foster Family Trust Kenneth, Cheryl, Christopher & Vanessa Foster
<b>PARCEL:</b>	303-85-003N
<b>LEGAL DESCRIPTION:</b>	NAVAJO COUNTY ASSESSOR'S PARCEL NO. 303-85-003N IN SECTION 33, TOWNSHIP 14 NORTH, RANGE 22 EAST, G&SRM, NAVAJO COUNTY, IN THE SNOWFLAKE AREA. SEE OWNERS AFFIDAVIT DATED AUGUST 28, 2015.
<b>DENIED USE:</b>	A PRIMARY DWELLING WITH THE ADDITION OF PERMANENT CARETAKERS QUARTERS.

**NOW, THEREFORE, BE IT RESOLVED** by the Navajo County Board of Adjustment that a Use Permit for the above-described use on the subject parcel is hereby **DENIED**.

The Secretary shall transmit this Resolution to the Navajo County Recorder's Office for recordation.

**PASSED AND ADOPTED** by the Navajo County Board of Adjustment on \_\_\_\_\_.

\_\_\_\_\_  
Bill Arendell, Chairman  
Navajo County Board of Adjustment

ATTEST:

\_\_\_\_\_  
Planning & Zoning, Secretary